

JUDGE CHIN

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

SAMSUNG ELECTRONICS AMERICA, INC.

SUMMONS IN A CIVIL ACTION

V.

BRODY ENTERPRISES and EFRAIM BRODY

'08 CIV 7200
CASE NUMBER

TO: (Name and address of Defendant)

Brody Enterprises
760 Montgomery Street, Unit 6F
Brooklyn, NY 11213

Efraim Brody
760 Montgomery Street, Unit 6F
Brooklyn, NY 11213

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Alfred R. Fabricant, Esq.
Peter Lambrianakos, Esq.
DICKSTEIN SHAPIRO LLP
1177 Avenue of the Americas
New York, NY 10036

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

'AUG 13 2008

CLERK

DATE

(By) DEPUTY CLERK



COURT UNITED STATES DISTRICT COURT
 COUNTY OF SOUTHERN DISTRICT OF NEW YORK
 SAMSUNG ELECTRONICS AMERICA, INC.

Index No. 08 CIV 7200

**AFFIDAVIT OF
 SERVICE OF SUMMONS
 (AND COMPLAINT)**
 SEE ATTACHED RIDER

against
 BRODY ENTERPRISES AND EFRAIM BRODY,

Plaintiff(s)

Defendant(s)

STATE OF NEW YORK, COUNTY OF NEW YORK

SS: The undersigned, being duly sworn, deposes and says; deponent is not a

party herein, is over 18 years of age and resides at NORTH BRUNSWICK, NEW JERSEY

That on 8/13/08 at 5:15 P.M., at 760 MONTGOMERY STREET, BROOKLYN, NEW YORK #6F

deponent served the within summons, and complaint on
 SEE ATTACHED RIDER

EFRAIM BRODY

defendant therein named,

INDIVIDUAL

1. ☒

by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

CORPORATION

2. ☐

a corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be thereof.

SUITABLE AGE PERSON

3. ☐

by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

AFFIXING TO DOOR, ETC.

4. ☐

by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILING TO
RESIDENCE
USE WITH 3 OR 45A. ☐MAILING TO
BUSINESS
USE WITH 3 OR 45B. ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited

said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at

in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

DESCRIPTION
USE WITH
1, 2, OR 3☒

<input checked="" type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input checked="" type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input checked="" type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input checked="" type="checkbox"/> Mustache	<input type="checkbox"/> 36-50 Yrs.	<input type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input checked="" type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input checked="" type="checkbox"/> 5'9"-6'0"	<input checked="" type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input checked="" type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

USE IN
NYC CIVIL CT.☐

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY
SERVICE☒

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on
 8/14/08

JOHN DICANIO
 Notary Public, State of New York
 No. 01DI4977768
 Qualified in Westchester County
 Commission Expires Feb. 11, 2011

PRINT NAME BENEATH SIGNATURE

ADRIANO GINES

License No. 845419

INSTRUCTIONS: Check appropriate boxes and fill in blanks. Delete inappropriate italicized language and military service allegation if not applicable.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X CASE NO. 08 CIV 7200
SAMSUNG ELECTRONICS AMERICA, INC.,

Plaintiff

against

BRODY ENTERPRISES and EFRAIM BRODY,

Defendants
-----X

RIDER TO
AFFIDAVIT
OF SERVICE

List of Documents Served:

- Summons in a Civil Action;
- Complaint;
- Samsung Electronics America, Inc.'s Rule 7.1 Disclosure Statement;
- Individual Practices of Judge Denny Chin;
- Electronic Case Filing Rules;
- Individual Practices of Magistrate Judge Andrew J. Peck;
- Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should not Issue;
- Declaration of Jeremy Texeira in Support of Plaintiff's Application for a Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should not Issue;
- Memorandum of Law of Plaintiff, Samsung Electronics America, Inc., in Support of its Application for a Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should not Issue;
- Declaration of Michael H. McQuade in Support of Plaintiff's Application for a Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should not Issue; and
- Declaration of Michael Jaczewski in support of Plaintiff's Application for a Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should not Issue.